

FORENSIC CHEMISTS

Attached please find "Curricula Vitaes" for Forensic Chemist/Scientists, Leah Law, KeiShara Eldridge, Jonathan Park, Brittany Thomas, Shana Irby, Danielle Farrell, Tari Holm, Minh Nguyen, and Steven Aliyetti, of the Drug Enforcement Administration Laboratories. (*See*, Government's Exhibit A-1 through A-9)². These DEA forensic chemists were assigned to this cause number and therefore conducted the testing for the drug evidence sought to be admitted in this matter. Should this matter go to trial The United States will likely present the testimony of just a few of the listed chemist. If that were to occur, the testifying chemists will ensure they are able to testify as to all of the testing conducted.

The United States will seek to admit the opinion of these listed chemists summarized in the lab reports previously provided and noted by their discovery pages below. The United States is also in the process of disclosing additional Rule 16 materials to include the raw data, notes and procedures followed for all testing conducted.

Drug Exhibits to Be Admitted:

1) 2:19-CR-06063-SMJ- June 2019 Pasco WA case-

FBI *Drug Exhibits 1B12, 1B21, 1B28*³: Packaging and controlled substances confirmed to contain methamphetamine and heroin seized from the Defendants during the June 2019 traffic stop. *See*, discovery pages 3000011-13.

² Additional Curricula Vitaes will be provided once received.

³ The following samples were not sent to the lab for testing due to their residual amounts: 1B13-16, 1B18, 1B20, 1B22, 1B24, 1B26, 1B29. The following additional exhibits should have completed reports within the next few weeks: 1B10, 1B11, 1B17, 1B19, 1B23, 1B25 and 1B27. The United States will provide these reports as soon as they are completed. Several of these items have also been sent for fingerprint examination. Results are forthcoming.

1 2) 2:19-CR-00183-SMJ- October 2019 Spokane WA case-

2 DEA *Drug Exhibits 37 and 38*: Packaging and controlled substances
3 confirmed to contain methamphetamine and heroin seized from the
4 Defendant during the October 2019 arrest in Spokane. *See*, discovery pages
5 3000015-16.

6 3) 2:20-CR-5-SMJ- November 2019 Dixie WA case-

7 DEA *Drug Exhibits 1,2, 4, 20, 21, 22, 7 and 38⁴*: Packaging and controlled
8 substances confirmed to contain methamphetamine, heroin, Fentanyl laced
9 pills, and cocaine base seized from the Defendants and from the search of
10 the residence in Dixie WA. *See*, discovery pages 300001-10.

11 More specifically, the United States will seek to admit their expert testimony as
12 to the chemical testing and analysis conducted on the above referenced samples
13 submitted. This expert testimony will include their opinion as to the type of
14 controlled substance present; the purity of controlled substance and how that relates to
15 the overall weight of each sample; the presence or lack of presence of any cutting
16 agents; and the total weight of each evidentiary item both in purity and mixture and
17 substance of controlled substance present. The United States will also solicit detailed
18 testimony from these experts as to the identification of Fentanyl and what type of
19 controlled substance it is and its characteristics. These proposed experts will also
20 testify about their background and qualifications, the commonly accepted scientific
21 methodology followed in reaching their conclusions as well as the peer review
22 completed to test the accuracy of their results.

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25 ⁴ The following samples were not sent to the lab for testing due to their residual
26 amounts: Exhibits 12, 16, 17, and 19. Several of these items have also been sent for
27 fingerprint examination. Results are forthcoming.

1 The United States will also provide additional Rule 16 materials to include the
2 raw data, notes and procedures followed for all testing conducted as soon as it is
3 received. The United States will also provide any summary exhibits it intends to
4 utilize in support of this experts testimony prior to trial.

5 **FINGERPRINT SPECIALIST**

6 The United States has not yet received any reports as to fingerprint examination
7 done on several of the exhibits. There are currently four items pending fingerprint
8 examination results. As soon as those reports are completed, the United States will
9 supplement this report. At trial, the United States intends to present the testimony and
10 opinions of the assigned fingerprint specialist as it relates to any completed fingerprint
11 examinations and the respective results.

12 The fingerprint examiner would be expected to testify as to his/her educational
13 background and expertise in latent print examination. They will then provide expert
14 testimony, as detailed in the provided reports, of the latent print examination of the
15 various exhibits, detailing what was examined and whether any fingerprints suitable
16 for comparison were developed utilizing various forensic methods. If a fingerprint
17 suitable for examination was developed, the examiner will testify as to the comparison
18 of that fingerprint to known fingerprints of the Defendant.

19 The United States also intends to seek expert testimony about why fingerprints
20 are sometimes not found on exhibits submitted for analysis. The United States will
21 also provide additional Rule 16 materials to include the raw data, notes and
22 procedures followed for all testing conducted as soon as it is received. The United
23 States will also provide any summary exhibits it intends to utilize in support of this
24 experts testimony prior to trial.

25 **INTERSTATE NEXUS/FIREARM EXPERT**

26 Attached please find a "Curriculum Vitaes" for ATF Special Agents Michael
27 Northcutt and Justin Schaefer. (*See*, Government's Exhibit C-1 and C-2). The United
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1 States expects SA Northcutt and Schaefer to testify as expert witnesses as to the
2 interstate/intrastate nexus of the following firearms:

- 3 - HiPoint, Model C9, 9mm pistol, bearing serial number P1245061, also
4 marked "BEEMILLER INC MANSFIELD OH" and Nine rounds of 9 mm
5 caliber ammunition with various handstamps (Firearm and ammunition
6 seized from CARTER, October 2019);
- 7 - Glock, model 23, .40 caliber pistol, bearing serial number "BYR906."
8 (Firearm seized from CARTER, June 2019)
- 9 - Beretta, model 92 FS, 9mm pistol bearing serial number BER513205
10 (Firearm seized from CARTER, November 2019);
- 11 - Glock, model 26, 9mm pistol bearing serial number BBTU921 (Firearm
12 seized from CARTER, November2019).

13 A written summary of the agents findings were previously provided in
14 discovery. *See* Discovery Pages 10000147-149; 300006-9, 3000017-19. Based on
15 their examination and research of the above described firearms and ammunition, at
16 trial the government will seek to admit the opinions of Special Agents Northcutt and
17 Schaefer as to their firearms examination results, indicating that in their professional
18 opinion, the above described firearms examined are firearms as defined in Title 18
19 U.S.C. § 921(a)(3)(A) and that these firearms have been shipped or transported in
20 interstate commerce.

21 **DRUG QUANTITY AND MODUS OPERANDI EXPERT**

22 The United States expects to call a Federal Bureau of Investigation Task Force
23 Officer to testify as an expert witness regarding drug quantities and *modus operandi*.
24 The United States expects the witness to testify as to the differences between
25 distribution amounts and personal use amounts, the common amount of heroin,
26 methamphetamine and Fentanyl laced pills consumed daily by a user, the use of
27 cutting agents, how controlled substances are obtained in bulk amount and cut to
28 distribution amounts, and the various price amounts on the pyramid of bulk
NOTICE OF INTENT TO USE EXPERT TESTIMONY DISCLOSURE - 5

1 distribution versus personal amount distribution. In sum, the witness is expected to
2 provide expert testimony regarding the methods of low and mid-level drug traffickers,
3 what roles low and mid-level drug traffickers assume, and how their supply is
4 commonly distributed and paid for. The United States further expects the expert to
5 testify regarding the price range of methamphetamine, heroin and Fentanyl laced pills
6 in the Eastern District of Washington during the time frame relevant to the Indictment
7 in Cause Number 2:18-CR-00230-RMP-1.

8 The United States also expects the witness to testify as to common drug
9 terminology and how that terminology is used in the sale and distribution of the
10 aforementioned controlled substances. The United States further expects the witness
11 to testify to the use of technology, specifically cellular phone technology, in the sale
12 and distribution of controlled substances.

13 The United States further expects the expert to testify as to the nexus between
14 drug trafficking and firearms.

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16 DATED this May 4, 2020.

17 William D. Hyslop
18 United States Attorney

19 *S/Stephanie Van Marter*
20 Stephanie Van Marter
21 Assistant United States Attorney
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CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following, and/or I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participant(s):

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